



General Assembly

January Session, 2003

Raised Bill No. 1102

LCO No. 4078

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING A PREFERENCE FOR CONNECTICUT
COMPANIES ON STATE PUBLIC WORKS PROJECTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4b-91 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Every contract for the construction, reconstruction, alteration,
4 remodeling, repair or demolition of any public building for work by
5 the state, which is estimated to cost more than five hundred thousand
6 dollars, except [(1)] a contract awarded by the Commissioner of Public
7 Works for [(A)] (1) a community court project, as defined in subsection
8 (j) of section 4b-55, [(B)] (2) the Connecticut Juvenile Training School
9 project, as defined in subsection (k) of section 4b-55, [(C)] (3) the
10 downtown Hartford higher education center project, as defined in
11 subsection (l) of section 4b-55, [(D)] (4) The University of Connecticut
12 library project, as defined in subsection (d) of section 4b-55, [(E)] (5) a
13 correctional facility project, as defined in subsection (m) of section 4b-
14 55, [(F)] (6) a juvenile detention center project, as defined in subsection
15 (n) of section 4b-55, or [(G)] (7) a student residential facility for the
16 Connecticut State University [system] System that is a priority higher

17 education facility project, as defined in subsection (f) of section 4b-55,
18 [or (2) a project, as defined in subdivision (16) of section 10a-109c,
19 undertaken and controlled by The University of Connecticut in
20 accordance with section 10a-109n,] shall be awarded to the lowest
21 responsible and qualified general bidder on the basis of competitive
22 bids in accordance with the procedures set forth in this chapter, after
23 the Commissioner of Public Works or, in the case of a contract for the
24 construction of or work on a building under the supervision and
25 control of the Joint Committee on Legislative Management of the
26 General Assembly, the joint committee or, in the case of a contract for
27 the construction of or work on a building under the supervision and
28 control of one of the constituent units of the state system of higher
29 education, the constituent unit, has invited such bids by
30 advertisements inserted at least once in one or more newspapers
31 having a circulation in each county in the state. The Commissioner of
32 Public Works, the joint committee or the constituent unit, as the case
33 may be, shall determine the manner of submission and the conditions
34 and requirements of such bids, and the time within which the bids
35 shall be submitted, consistent with the provisions of sections 4b-91 to
36 4b-96, inclusive. Such award shall be made within sixty days after the
37 opening of such bids. In the case of a project advertised on or after
38 January 1, 2004, if (A) the lowest responsible and qualified bidder is
39 not based in the state, (B) a bid has been submitted by a responsible
40 and qualified bidder based in the state that does not exceed the bid
41 submitted by the lowest responsible and qualified bidder by an
42 amount greater than (i) five per cent of such lower bid for a contract
43 under five hundred thousand dollars, or (ii) three per cent of such
44 lower bid for a contract of five hundred thousand dollars or more, and
45 (C) the in-state bidder agrees to match such lower bid, the awarding
46 authority shall award the contract to the in-state bidder. If the in-state
47 bidder does not match such lower bid, the awarding authority shall
48 award the contract to the next lowest responsible and qualified in-state
49 bidder whose bid is within such percentage limit, provided such
50 bidder agrees to match such lower bid. The Commissioner of Public

51 Works shall adopt regulations, in accordance with the provisions of
52 chapter 54, setting forth criteria for determining whether a bidder is
53 based in the state. If the general bidder selected as the general
54 contractor fails to perform the general contractor's agreement to
55 execute a contract in accordance with the terms of the general
56 contractor's general bid and furnish a performance bond and also a
57 labor and materials or payment bond to the amount specified in the
58 general bid form, an award shall be made to the next lowest
59 responsible and qualified general bidder in accordance with the
60 provisions of this section. If the lowest responsible and qualified
61 bidder's price submitted is in excess of funds available to make an
62 award, the Commissioner of Public Works, the Joint Committee on
63 Legislative Management or the constituent unit, as the case may be, is
64 empowered to negotiate with such bidder and award the contract on
65 the basis of the funds available, without change in the contract
66 specifications, plans and other requirements. If the award of a contract
67 on said basis is refused by such bidder, the Commissioner of Public
68 Works, the Joint Committee on Legislative Management or the
69 constituent unit, as the case may be, may negotiate with other
70 contractors who submitted bids in ascending order of bid prices
71 without change in the contract, specifications, plans and other
72 requirements. In the event of negotiation with general bidders as
73 provided herein, the general bidder involved may negotiate with
74 subcontractors on the same basis, provided such general bidder shall
75 negotiate only with subcontractors named on such general bidder's
76 general bid form.

77 (b) Notwithstanding the provisions of this chapter regarding
78 competitive bidding procedures, the commissioner may select and
79 interview at least three responsible and qualified general contractors,
80 and may negotiate with any one of such contractors a contract [which]
81 that is both fair and reasonable to the state for a community court
82 project, as defined in subsection (j) of section 4b-55, the downtown
83 Hartford higher education center project, as defined in subsection (l) of
84 section 4b-55, The University of Connecticut library project, as defined

85 in subsection (d) of section 4b-55, the Connecticut Juvenile Training
86 School project, as defined in subsection (k) of section 4b-55, a
87 correctional facility project, as defined in subsection (m) of section 4b-
88 55, a juvenile detention center project, as defined in subsection (n) of
89 section 4b-55, or a student residential facility for the Connecticut State
90 University [system] System that is a priority higher education facility
91 project, as defined in subsection (f) of section 4b-55. Any general
92 contractor awarded a contract pursuant to this subsection shall be
93 subject to the same requirements concerning the furnishing of bonds as
94 a contractor awarded a contract pursuant to subsection (a) of this
95 section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

LAB

Joint Favorable C/R

GAE